## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA						
	Plaintiff,	) 8:08CR89 )				
	vs.	) DETENTION ORDER				
HU	GO RAMIREZ,	)				
	Defendant.	)				
A.	Order For Detention After waiving a detention hearing pursuant Act on March 3, 2008, the Court orders the atto 18 U.S.C. § 3142(e) and (i).	t to 18 U.S.C. § 3142(f) of the Bail Reform above-named defendant detained pursuant				
B.	<ul> <li>Statement Of Reasons For The Detention         The Court orders the defendant's detention because it finds:         X By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required.         X By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community.     </li> </ul>					
C.	distribute methampheta 846 carries a minimum s maximum of forty years i distribute methampheta sentence of twenty years (b) The offense is a crime o (c) The offense involves a r	and includes the following: ne offense charged: by to distribute and possess with intent to mine (Count I) in violation of 21 U.S.C. § sentence of five years imprisonment and a mprisonment; the possession with intent to make (Count VII) carries a maximum as imprisonment. If violence.				
	may affect when The defendant I ties.  Past conduct of The defendant I	appears to have a mental condition which ther the defendant will appear. has no family ties in the area. can have no steady employment. has no substantial financial resources. s not a long time resident of the community does not have any significant community. the defendant: has a history relating to drug abuse. has a significant prior criminal record. has a prior record of failure to appear at				

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		(b)	Pro	of the current arrest, the defendant was on: obation role
		(c)	Re	lease pending trial, sentence, appeal or completion of ntence.
		(0)	Th	e defendant is an illegal alien and is subject to
				portation.  e defendant is a legal alien and will be subject to
				portation if convicted.  e Bureau of Immigration and Custom Enforcement
			(BI	CE) has placed a detainer with the U.S. Marshal.
<u>X</u>	(4)	releas		seriousness of the danger posed by the defendant's bws: The nature of the charges in the Indictment and the hall history.
Χ	(5)	Rebu	ttable Presu	ımptions
	` ,	In det	ermining that	t the defendant should be detained, the Court also relied
				rebuttable presumption(s) contained in 18 U.S.C. § Court finds the defendant has not rebutted:
	_X	(a)		ondition or combination of conditions will reasonably
				appearance of the defendant as required and the safety person and the community because the Court finds that
			the crime in	volves:
				A crime of violence; or An offense for which the maximum penalty is life
			. ,	imprisonment or death; or
			<u>X</u> (3)	A controlled substance violation which has a maximum penalty of 10 years or more; or
			(4)	A felony after the defendant had been convicted of two
				or more prior offenses described in (1) through (3)
				above, <u>and</u> the defendant has a prior conviction for one of the crimes mentioned in (1) through (3) above
				which is less than five years old and which was
	X	(b)	That no c	committed while the defendant was on pretrial release. ondition or combination of conditions will reasonably
		(b)		appearance of the defendant as required and the safety
				munity because the Court finds that there is probable
			cause to be X (1)	meve: That the defendant has committed a controlled
			( )	substance violation which has a maximum penalty of
			(2)	10 years or more.  That the defendant has committed an offense under 18
			(2)	U.S.C. § 924(c) (uses or carries a firearm during and
				in relation to any crime of violence, including a crime of
				violence, which provides for an enhanced punishment if committed by the use of a deadly or dangerous
				weapon or device).

D. Additional Directives
 Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:
 1. The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from

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- persons awaiting or serving sentences or being held in custody pending appeal; and
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: March 3, 2008.

BY THE COURT:

s/ Thomas D. Thalken United States Magistrate Judge